IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 7044 of 2005

Between:

Arethoti Nageswara Rao, S/o Atchaiah @ Tirupathaiah,
21st Ward, Sanjay Gandhi Colony, Bapatla, Guntur District.

..... PETITIONER

AND

1 The Air Chief Marshal, Air Headquarters,

Vayu Bhavan, New Delhi.
2 The Air Officer, Command-in-Chief, Southern Command,

Air Force, Kowdiar, Trivendram.
3 The Commanding Officer, 401, A.F.Station,

Suryalanka, Bapatla, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 3rd respondent made in 401 Stn/Ex.Lax 202/PC dated 4-2-2005 as illegal, improper, arbitrary, unjust, and without following the order passed in W.P.No.3937/2002 dated 7-9-2004 and consequently direct the respondents to appoint the petitioner in any suitable post on compassionate grounds forthwith.

Counsel for the Petitioner : Mr.GANDURI NAGESWARA RAO

Counsel for the Respondents No.1 to 3 : Mr.KANTHI.NARAHARI
(ADDL. STANDING COUNSEL)

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in giving a communication dated
04-02-2005 intimating the petitioner stating that 'the case for your appointment under indigent circumstances has been considered at appropriate level. However it is intimated that the same has not been found suitable'.

The claim of the petitioner was the subject matter of an earlier writ petition and in fact on an earlier occasion, the respondent authorities rejected the claim on the ground of objection being made by the petitioner's stepmother who is the second wife of the deceased employee who is the father of the petitioner. This Court after considering both sides directed the respondent authorities to consider the claim of the petitioner for appointment on compassionate grounds without reference to the objections made by the stepmother. But however the impugned one line order has been passed by the respondent, which is communicated to the petitioner, without specifying the reasons for rejection by the respondents.

In the light of the directions and observations made by this Court in W.P.No.3937/2002, dated 07-09-2004, the said exercise is directed to be completed within four weeks from the date of receipt of a copy of this order and it is also made clear that if the respondent authorities found that the petitioner is not entitled for being appointed on compassionate grounds, they have to pass a detailed reasoned order which is to be communicated to the petitioner.

The writ petition is accordingly disposed of. No costs.

_____

S. ANANDA REDDY, J.

Dated: 19..07..2005.

rns

This writ petition is filed by the petitioner aggrieved by the action of the respondents in giving a communication dated
04-02-2005 intimating the petitioner stating that 'the case for your appointment under

indigent circumstances has been considered at appropriate level. However it is intimated that the same has not been found suitable'.

It is not known how this order has to be considered in considered the claim of the petitioner.

The claim of the petitioner was the subject matter of earlier writ petition and in fact on an earlier occasion, the respondent authorities rejected the claim on the ground of objection being made by the petitioners stepmother who is the second wife of the deceased employee-the father of the petitioner. This Court after considering both sides directed the respondent authorities to consider the claim of the petitioner for appointment on compassionate grounds without reference to the objections made by the stepmother. But, however, the impugned one line order has been passed by the respondent-authorities, which is communicated to the petitioner, which is not at all accepted by them, who were directed to consider the case of the petitioner. On that simple ground the impugned order is liable to be set aside having the respondent authorities are directed to consider the case of the petitioner.

In the light of the directions and observations made by this Court in Writ Petition No.3937 of 2002, dated 07-09-2004, the said exercise is directed to be completed within four weeks from the date of receipt of a copy of this order and it is also made clear that if the respondent-authorities found that the petitioner is not entitled for being appointed on compassionate grounds, they have to pass a detailed reasoned order which is to be communicated to the petitioner.

The writ petition is accordingly disposed of. No costs.

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S. ANANDA REDDY, J.

Dated: 19..07..2005.

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To

1 The Air Chief Marshal, Air Headquarters,

Vayu Bhavan, New Delhi.

2 The Air Officer, Command-in-Chief, Southern Command,

Air Force, Kowdiar, Trivendram.

3 The Commanding Officer, 401, A.F.Station,

Suryalanka, Bapatla, Guntur District.

4 Two CD copies

5 One CC to MR.NARAHARI

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Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 3rd respondent made in 401 Stn/Ex.Lax 202/PC dated 4-2-2005 as illegal, improper, arbitrary, unjust, and without following the order passed in W.P.No.3937/2002 dated 7-9-2004 and consequently direct the respondents to appoint the petitioner in any suitable post on compassionate grounds forthwith.

Counsel for the Petitioner : Mr.GANDURI NAGESWARA RAO

Counsel for the Respondents No.1 and 2 : Mr.KANTHI.NARAHARI

Counsel for the Respondent No.3 : ADDL. STANDING COUNSEL

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in giving a communication dated

04-02-2005 intimating the petitioner stating that 'the case for your appointment under indigent circumstances has been considered at appropriate level. However it is intimated that the same has not been found suitable'.

The claim of the petitioner was the subject matter of an earlier writ petition and in fact on an earlier occasion, the respondent authorities rejected the claim on the ground of objection being made by the petitioner's stepmother who is the second wife of the deceased employee who is the father of the petitioner. This Court after considering both sides directed the respondent authorities to consider the claim of the petitioner for appointment on compassionate grounds without reference to the objections made by the stepmother. But however the impugned one line order has been passed by the respondent, which is communicated to the petitioner, without specifying the reasons for rejection by the respondents.

In the light of the directions and observations made by this Court in W.P.No.3937/2002d, dated 07-09-2004, the said exercise is directed to be completed within four weeks from the date of receipt of a copy of this order and it is also made clear that if the respondent authorities found that the petitioner is not entitled for being appointed on compassionate grounds, they have to pass a detailed reasoned order which is to be communicated to the petitioner.

The writ petition is accordingly disposed of. No costs.

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S. ANANDA REDDY, J.

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ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in giving a communication dated
04-02-2005 intimating the petitioner stating that 'the case for your appointment under indigent circumstances has been considered at appropriate level. However it is intimated that the same has not been found suitable'.

It is not known how this order has to be considered as having considered the claim of the petitioner.

The claim of the petitioner was the subject matter of an earlier writ petition and in fact on an earlier occasion, the respondent authorities rejected the claim on the ground of objection being made by the petitioner's stepmother, who is the second wife of the deceased employee-the father of the petitioner. This Court after considering both sides directed the respondents-authorities to consider the claim of the petitioner for appointment on compassionate grounds without reference to the objections made by the stepmother. But, however, the impugned one line order has been passed by the respondents-authorities, which is not expected by them, who were directed to consider the case of the petitioner.

On that simple ground, the impugned order is set aside and the respondent authorities are directed to consider the case of the petitioner, in the light of the directions and observations made by this Court in Writ Petition No.3937 of 2002, dated 07-09-2004. The said exercise is directed to be completed within four weeks from the date of receipt of a copy of this order and it is also made clear that if the respondent-authorities found that the petitioner is not entitled for being appointed on compassionate grounds, they have to pass a detailed reasoned order a copy of which is to be communicated to the petitioner.

The writ petition is accordingly disposed of. No costs.

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S. ANANDA REDDY, J.

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